REMARKS

Applicants have amended the title to be more indicative of the claimed invention as required by the Examiner.

Claims 1-21 are pending. The Examiner has indicated that claims 1-9 and 15-18 are allowable. Claims 10-12, 14, 19 and 21 stand rejected. The Examiner has indicated that claims 13 and 20 contain allowable subject matter; these claims have been respectfully maintained in their original form and are allowable for the reasons stated below.

Claims 10-12, 14, 19 and 21 stand rejected under 35 USC 102(b) over JP07-140776A (hereinafter, "JP '776"). Applicants traverse this rejection.

The device shown in Figure 1 fails to teach or disclose "a rotary conveyance body ... for carrying a developer in the storage container toward an exhaust port." Initially, the device of Figure 1 does not have an exit port, the storage cavity 12 shown in Figure 1 is an integral part of the developing device, and as such, there is no exhaust port. Developer in the storage cavity 12 makes direct contact with the magnetic roller 8 while remaining in the cavity. The only developer that is transported from the cavity 12 is the developer that is attached to the magnetic roller 8.

Furthermore, even if the Examiner were to consider the point where the magnet roller 9 meets the agitation member 16, in the lower left hand of the cavity 12, as an "exhaust port" as recited in claim 10, the developer is not carried there by a rotary conveyance body as recited in claim 10. The device shown in Figure 1 has a reciprocating wiping member 17 that is connected to a rotary shaft. However this wiping member 17 is used to clean excess developer off of the windows 13a and 13b, not to transport the developer toward an exhaust port. Any developer that is transported to the "exhaust port," is carried there by the agitation member 16 and/or the magnetic roller 8.

JP '776 also fails to disclose "detection windows [which] are arranged such that the optical axis of the input and output light beam becomes parallel to a direction that said rotary conveyance

body carries the developer" as recited in claims 10 and 19. The developer that is carried from the cavity 12 is carried in the direction of the arrow (e), horizontally. The light emitting element 14 emits light through the windows 13a and 13b, and then into the light receiving element 15, vertically. In direct contrast to claim 10, the optical axis of the output light beam is perpendicular to the direction that the developer is carried.

In the device shown in Figure 16 of JP '776, developer is carried from the storage cavity 12 through a free passage hole 3b in a horizontal direction. The light emitting device 74 emits light through windows 72 and 71 and onto the light receiving element 73. As shown in Figure 16 of JP '776, the optical axis of the light is not parallel to the direction the developer. Therefore, JP '776 does not disclose or suggest "detection windows [which] are arranged such that the optical axis of the input and output light beam becomes parallel to a direction that said rotary conveyance body carries the developer" as recited in claim 10.

Claim 10 is thus allowable. Claim 19 is similar to claim 10 and is therefore also allowable for the reasons stated above. Claims 11, 12, 14 and 19 depend from claims 10 and 19 and are therefore allowable. Applicants solicit an early action allowing claims 1-21.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing our Docket No. 325772032400.

Dated: November 17, 2004 Respectfully submitted,

By: _____

Adam Keser
Registration No. 54,217
Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, VA 22102
Telephone: (703) 760-7301